

Applicants: Graham P. Allaway et al.
Serial No.: 09/460,216
Filed December 13, 1999
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REMARKS

Claims 61 and 66 are pending in the subject application. Applicants have herein amended claim 61 and added new claims 67-70. Support for the amendments to claim 61 can be found in the specification as originally filed at, *inter alia*, page 2, lines 29-34; page 3, lines 3-7; page 4, lines 2-6; page 13, lines 16-20 and 22-24; page 13, line 35 to page 14, line 4; page 14, lines 13-22; page 16, lines 2 to 25; page 45, line 33-35; and page 40, lines 32-34; and table 2, page 35. Support for new claim 67 can be found in the specification as originally filed at, *inter alia*, page 16, lines 2 to 25. Support for new claim 68 can be found in the specification as originally filed at, *inter alia*, page 17, lines 11-13. Support for new claims 69 and 70 can be found in the specification as originally filed at, *inter alia*, page 28, line 23.

Applicants maintain that the amendments to the claims raise no issue of new matter and respectfully request that this Amendment be entered.

Statement of Substance of April 27, 1010 Interview With Examiner Parkin

Applicants thank Examiner Jeffrey Parkin, Ph.D. and Supervisory Examiner Larry Helms for the courtesy extended during an April 27, 2010 interview with the undersigned. Applicants note that the following were also present during the interview: Paul Maddon, M.D., Ph.D.; Leslie Serunian, Ph.D.; and Brian Amos, Esq.

During the interview amendments to the claims were proposed and discussed with Examiners Parkin and Helms. The undersigned discussed the examples and support set forth in the specification and the knowledge in the art regarding CCR5. Examiners Parkin and Helms proposed further claim amendments that would overcome the 35 U.S.C. §112, first paragraph, written description and enablement rejections made in the June 23, 2009 Office Action. The amendments to the claims as discussed during the April 27, 2010 interview have been presented hereinabove. In addition, during a June 14, 2010 teleconference between Examiner Parkin and Brian Amos of the undersigned's office, Examiner Parkin confirmed that the claim amendments as presented

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during the April 27, 2010 interview rendered the claims allowable.

Rejections under 35 U.S.C. §112, First Paragraph

Written Description

The Examiner stated that claims 61 and 66 are rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

In response, applicants respectfully traverse the Examiner's rejection. However, in order to expedite prosecution, and without conceding the correctness of the Examiner's position, applicants have hereinabove presented amended claims which applicants understand, further to applicants' April 27, 2010 interview and June 14, 2010 teleconference with the Examiner, overcome the written description rejection. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Enablement

The Examiner rejected claims 61 and 66 under 35 U.S.C. §112, first paragraph, asserting that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with the claims. The Examiner stated that the claims of the application are "broadly directed to any antagonist that is capable of abrogating HIV-1 infection through CCR5 binding interactions." The Examiner also asserted that the disclosure provides a generic in vitro resonance energy transfer (RET) screening assay that enables the skilled artisan to detect HIV-1 fusion events, but that this "method by itself does not lead the skilled artisan to any particular class of compounds."

In response, applicants respectfully traverse the Examiner's rejection. However, in order to expedite prosecution, and without

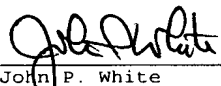
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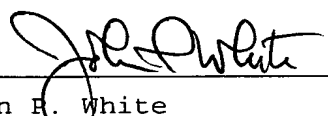
conceding the correctness of the Examiner's position, applicants have hereinabove presented amended claims which applicants understand, further to applicants' April 27, 2010 interview and June 14, 2010 teleconference with the Examiner, overcome the enablement rejection. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this rejection.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed fee of \$1,175.00 fee for a five-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited on this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
	7/14/10
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